4 05.07.2018 Since opposite party no.4 will be represented by the learned State Counsel, defects stands ignored.

Considering the submission of Sri Mukharji, learned counsel appearing for the petitioners and on perusal of the impugned order at Annexure-2/1, this Court finds the order at Annexure-2/1, though involving grant of caste certificate in favour of the petitioners, but has been passed without any opportunity to the petitioners while entertaining the application of a third party.

In such view of the matter and since the impugned order at Annexure-2/1 has been passed without afford of opportunity to the petitioners, who have been admittedly affected by the said order, this Court declaring the order 30.3.3002 vide Annexure-2/1 becomes bad, sets aside the same and remits the matter back to the Executive Magistrate-cum-Revenue Officer, Bhadrak-opposite party no.3 for rehearing of the application at the instance of Benudhar Mohapatra-opposite party no.5 giving opportunity of hearing to the petitioners. It is open to the petitioners to raise question regarding maintainability of the issue, in such event the matter shall be considered in accordance with law.

The writ petition stands disposed of with the observation made hereinabove.

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Biswanath Rath,J.

sks